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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,520	09/12/2003	Louis Borgeat	16046-1US-2 IC/ DP/mft	5300

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EXAMINER

ARK, DARREN W

ART UNIT PAPER NUMBER

3643

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,520

Applicant(s)

BORGEAT, LOUIS

Examiner

Darren W. Ark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 15-23 been renumbered 1-9.

2. Claims 1-9 are objected to because of the following informalities:

Claim 1, line 4, "an" should be replaced with "a".

Claim 2, line 2, "close" should be changed to "closed".

Appropriate correction is required.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

In regard to claim 1, line 2, the term "case" was not used in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 2, the phrase "at least one insertion opening...having a longitudinal portion followed by a transversal portion...respectively contiguous and not contiguous to said open distal open end" renders the claim vague and indefinite since the transversal portion does not appear to follow or be behind the longitudinal portion, instead it appears to be laterally positioned with respect to the longitudinal portion. Also the insertion opening appears to be contiguous with the open distal end since openings 84, 86, and 88 all appear to communicate with each other (the longitudinal portion extends all the way to the open end).

In regard to claims 7 and 8, the term "said hollow cylinder" lacks positive antecedent basis. The "hollow cylinder" was first set forth in claim 2.

In regard to claim 9, the phrase "said reel seat is a conventional reel seat" renders the claim vague and indefinite since reel seats come in many different configurations and the term "conventional" does not accurately describe any particular structure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Clewes et al. 5,992,717.

Clewes et al. discloses a case and means for releasably receiving a reel seat therein (32), when the reel and reel seat assembly is detached from a rod (capable of holding a reel seat when detached from a rod); and at least one means for mounting (28, 30, 34, 36) the case on a rod or holder (12).

In regard to claim 7, Clewes et al. discloses a mounting foot (34, 36).

In regard to claim 8, Clewes et al. discloses mounting means comprising bolts (38, 40).

8. Claims 1, 2, 6, 8, 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bell 2,995,855.

Bell discloses a case and means for releasably receiving a reel seat therein (13, 20-22), when the reel and reel seat assembly is detached from a rod (capable of receiving reel seat of 23 when it is detached from rod 23), the case comprising a hollow cylinder (13) with a closed proximal end (12) and an open distal end (at 13a) and at least one insertion opening (20-22) with longitudinal (20) and transversal portions (21, 22); and at least one means for mounting (12, 14) the case on a rod or holder (11).

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In regard to claim 8, Bell discloses a mounting means comprising a bolt (14c) inserted inside the cylinder (14b of 13).

9. Claim 1, 7-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fitzpatrick 5,732,500.

Fitzpatrick discloses a case and means for releasably receiving a reel seat (areas between 8 & 12 and 10 & 14) therein (6, 8, 10, 12, 14, 16, 18), when the reel and reel seat assembly is detached from a rod (when these areas are not on a rod as in Fig. 1); and at least one means for mounting (2, 4) the case on a rod or holder (rod, see Figs. 2-5).

In regard to claim 7, Fitzpatrick discloses a mounting foot (2) fixed to the hollow cylinder (8, 10 via 6).

In regard to claim 8, Fitzpatrick discloses the mounting means being at least one rivet or bolt (24).

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bull 3,556,365.

Bull discloses a case and means for releasably receiving a reel seat therein (14, 18), when the reel and reel seat assembly is detached from a rod (10 is detached from 16); and at least one means for mounting (20, 22, 32) the case on a rod or holder (30, 44).

11. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burden 2,474,343.

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Burden discloses a case and means for releasably receiving a reel seat therein (14, 18), when the reel and reel seat assembly is detached from a rod (10 is detached from 16); and at least one means for mounting (20, 22, 32) the case on a rod or holder (30, 44).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clewes et al. 5,992,717 in view of Bell 2,995,855.

Clewes et al. does not disclose at least one insertion opening in the lateral side of the cylinder having transverse and longitudinal portions. Bell discloses at least one insertion opening (20-22) in the lateral side having transverse (21, 22) and longitudinal (20) portions wherein a reel post (26) of a spinning reel serves to interlock the rod (23) with the wall of the receiver (13). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the at least one insertion opening with transverse and longitudinal portions in the lateral side of the cylinder of Clewes et al. in order provide means for locking the rod and reel relative to a portion of the cylinder so as to prevent inadvertent displacement of the rod from the cylinder in a longitudinal direction.

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14. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clewes et al. 5,992,717 in view of Bell 2,995,855 as applied to claim 2 above, and further in view of Schwanke 2,598,021 or Young 2,452,279.

Clewes et al. and Bell do not disclose resilient means disposed inside the cylinder at the closed proximal end which is compressed when inserting the reel and reel seat assembly inside the reel seat holding device. Schwanke and Young each disclose resilient means (14 OR 8) disposed inside the cylinder at the closed proximal end (11 OR 1) which is compressed when inserting the reel and reel seat assembly inside the reel seat holding device. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the resilient means of Schwanke or Young in the closed end of the cylinder of Clewes et al. and Bell in order to provide means for biasing the rod in the cylinder against a transverse portion to prevent lateral movement of the rod from the desired position inside the cylinder.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clewes et al. 5,992,717 in view of Bell 2,995,855 as applied to claim 2 above, and further in view of Gattuso et al. 5,632,427.

Alternatively, Clewes et al. and Bell do not disclose the transverse portion creating a hook shape. Gattuso et al. discloses a transverse portion (14, 16) close to an open distal end (8) forming a hook shape (J-shape). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to employ the transverse portion with a hook shape of Gattuso et al. in the cylinder of Clewes et al. and Bell in order to provide a transverse portion which makes it more difficult for the rod

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and reel to enter to longitudinal portion and become displaced from the cylinder under longitudinally directed forces.

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell 2,995,855.

Bell does not disclose the cylinder made of plastic or metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylinder out of plastic or metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because plastic and metal are readily available materials that can be made into many different configurations and sizes and can also withstand rough handling during use. *In re Leshin*, 125 USPQ 416.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA